

## A Resumé of the Professional Engineering Act

By Eugene Fuhrer, Secretary, Illinois Society of Architects

While most of the architects have known that the Illinois Professional Engineering Act was made effective, as of August 1, 1943, and have examined its context, few have a detailed knowledge of the various detailed legal and other steps taken by the engineering and architectural associations from the time of its enactment to the recent court decision in which the act was declared unconstitutional. The factual resumé of the various steps is given in chronological order.

The Professional Engineering bill, then known as House bill No. 279, was brought to the House of the State legislature two days before the termination of the 1941 legislative session, and was quickly passed that day. On the second last day of the session, it was passed by the Senate and became a law July 24, 1941. Enforcement of the law was made effective as of August 1, 1943. During the interim between the passage of the act and its enforcement, numerous members of the various architectural organizations became disturbed because of the difficulty in interpreting the passages and because of the vagueness of the concepts contained in the provisions of the sections of the act.

Sufficient momentum was created to effect joint committee action through representatives of the Illinois Society of Architects, Chicago Chapter, AIA, Central Illinois Chapter, AIA and Associated Registered Architects, Southern Illinois. This committee was ably headed by Mr. Leo J. Pleins of Springfield, well-known authority in the field of zoning, building and sanitary codes. Formation of the committee was completed in May of 1943. As part of their function this committee requested clarification on the mechanics of this act from the legislative and judicial branches of the state. Indefinite and uncertain replies were received in answer to their queries. Thereafter, in July, 1943, the committee received legal opinion that our objections to the act had definite merit. The time being short, for the act was to become effective August 1, 1943, it was finally decided to proceed with competent legal measures.

Attorney M. S. Winning of Springfield, a well-known constitutional authority, proceeded with his notice to file injunction on July 21, 1943. A preliminary hearing was held before Judge Victor Hemphill in the Circuit Court of Sangamon County on July 28. Depending the Professional Engineers Act were both the Attorney General of the State of Illinois and the intervening counsel, Attorney George Drack, employed by the Illinois Society of Engineers of Chicago. A court hearing was held by Judge Hemphill in the Springfield Court House on October 19, 1943. Our counsel,

Mr. Winning, presented his case most admirably, handling the complex professional and technical problems in a distinguished manner. On November 23, 1943, Judge Victor Hemphill rendered his decision and on November 30, a final decree was entered by the Circuit Court—finding the Illinois Professional Engineering Act unconstitutional and enjoining the defendants from spending any money in the administration of that act.

Interesting excerpts from this decision are as follows:

\* \* \*

"Plaintiff contends that the Professional Engineering Act is unconstitutional because it is so vague, indefinite, uncertain and incomplete that neither the Department nor the Court can say with any degree of certainty what the Legislature intended."

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"It is the law that 'an act, to be valid, must not be vague, indefinite and uncertain but must be complete when it leaves the legislature and be sufficiently explicit to advise everyone what his rights are under it and how he will be affected by its operation.' *Chicago Land Agencies v. Palmer*, 364 Ill. 13, at page 17."

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"A law which delegates to a department power to make a law which involves a discretion as to what the law shall be, violates the constitution. *People v. Wilson Oil Company*, 4 N. E. 2d, 847, 364 Ill. 406."

\* \* \*

"If the act leaves to ministerial officers the definition of the thing to which the act is to be applied, such definition not being commonly known, it is invalid as an unwarranted delegation of power. *People v. Younker*, 351 Ill. 139."

\* \* \*

"The Professional Engineering Act makes it unlawful for any person to practice professional engineering without a license. It defines professional engineering as 'any professional service such as consultation, investigation, evaluation, designing or supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.'"

\* \* \*

"The definition might as well be: 'Professional engineering means any service requiring the application



of engineering principles and data, wherein the public welfare or the safeguarding of life, health or property is concerned or involved.' The itemization of services, structures and processes is apparently all inclusive. The question whether the services involve or concern the public welfare or the safeguarding of life, health or property and whether the services require the application of engineering principles and data are left to the determination of the Department which is authorized to administer the act. The Legislature has not told this Department what services require the application of engineering principles and data or what services involve the public welfare, life, health or property. Neither has the Legislature given the Department any standards or tests by which it can determine these questions.'"

\* \* \*

"An act which does not lay down rules and definitions by which the administrative officers may be guided in the exercise of the discretion vested in them is incomplete."

\* \* \*

"That opinion seems pertinent to the questions involved under the Professional Engineering Act. It seems to me this Act contemplates that the Department shall determine what services in connection with any utility, building, equipment, processes, or the like, concern or involve the public welfare or the safe guarding of life, health and property and shall determine, also, whether such services require the application of engineering principles and data."

\* \* \*

"It seems to me that the Act delegates to the Department a wide discretion to determine the character of services which cannot be performed without a license and that the Act does not establish easily comprehensible standards by which that classification is to be made."

\* \* \*

"I feel that the same reasoning applies to paragraph (e) of section 29. This section provides, among other things, that the act shall not be construed to prevent or effect (a) the practice of any other recognized profession or trade. This seems to be an unwarranted discrimination. If one person cannot perform the services coming within the definition of "professional engineering" services as set out in this act without obtaining a license, it seems unfair that another person can perform the same services merely because such services are incident to the practice of his trade or profession. This act does not exempt services lawfully performed under licenses issued for the practice of other trades or professions. It exempts persons performing services incident to any licensed or unlicensed trade or profession. If the services are such as should be licensed and come within the definition of professional engineering services all persons performing such services should be affected by this act and to exempt one because the services performed are incident to the practice of his trade and apply the act

to another who has not acquired a trade or profession seems to be an unfair discrimination."

\* \* \*

"This section, like other sections hereinbefore referred to, appears to be incomplete and indefinite. It appears to leave to the Department the matter of defining 'other recognized professions or trades.' Perhaps this section was incorporated in an effort to remedy the defect pointed out in *Scully v. Hallihan*, 365 Ill. 183 which held the Plumbers Act was invalid as applied to drain layers. I think the Legislature attempted to remedy the same defect by the amendment of 1939 but this amendment does not in general terms exempt services performed by persons incident to other trades or professions, but specifies what services shall be exempt. The department or any individual reading the exemption understands what services are exempt from the Plumbers Act; but one reading the Professional Engineering Act cannot definitely know what practices are incident to other recognized professions or trades. I think the exemptions contained in the Barbers Act and the Dental Act and Chiropodists Act and others referred to by defendant in his brief are specific exemptions which can fairly be said to be based upon a remarkable distinction and discrimination."

\* \* \*

"The same reasoning, of course, applies to exemptions. If this section had provided that the Professional Engineering Act would not apply to or affect any services performed by a licensed architect or licensed plumber under the privileges granted by their respective licenses there might not be any objection to it; but as it appears now it seems that anybody who follows any trade or profession long enough to call it his can do anything incident to that trade or profession without a license and without definite years of experience or degree of knowledge, while one who had practiced engineering long enough to call it his trade or profession, but not long enough to qualify under this licensing law could not perform the same services without subjecting himself to prosecution and punishment. This seems to me to be unjust and unreasonable discrimination. The exemption in the first place seems incomplete and indefinite and seems to leave too much to the discretion of the Department, and in the second place seems to be discriminatory."

\* \* \*

"The legislature has a right to prescribe certain qualifications for licensing professional engineers, just as it has to prescribe qualifications for those who seek licenses as medical practitioners; but under the Medical Practice Act an applicant trained in only one branch of treating human ailments, such as ophthalmology or midwifery, cannot receive a license to practice medicine in all its branches; and so far as I know it has never been held that a Medical Practice Act was unconstitutional for that reason."

\* \* \*

"But for the reasons stated I am of the opinion that the Act is unconstitutional as delegating legisla-



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**Status of the Professional Engineering Act**

A decision of prime importance, especially to the Engineering and Architectural groups of this state, was handed down by Judge Victor Hemphill of the Superior Court, Sangamon County, on November 30, 1943, in which the present Illinois Professional Engineer's Act was declared unconstitutional.

This decision indicated that laws passed by the State Legislature must have sufficient clarity and consistency to enable their proper administration. It has also made clear that administrative bodies can not indulge in their own expedient law making to interpret acts that are vague, indefinite, and uncertain in their content.

In addition, it gave the opinion that the qualifications in one particular field of engineering would not give licensed rights to engage in other engineering fields that by schooling, training, and experience are entirely foreign to such qualifications.

The Illinois Engineering Council has joined in appealing this case to the State Supreme Court. The hearing will most probably be held at the March term of the Supreme Court, at which time further comment will be made.

Should the Supreme Court confirm this decision, it is hoped that a new Professional Engineering Act of sufficient clarity will be developed and that other interested professional groups such as the architects and structural engineers will be called upon to cooperate in eliminating possible objectionable features.

Discussion of federal housing projects in competition with housing carried out through private initiative with private funds has waxed warm in recent months in the Chicago area. Cyrus C. Willmore, president of the National Association of Real Estate Boards, on December 26 charged that federal public housing has been a colossal failure; that it has deceived people it

was organized to aid; that it loaded new and heavy tax burdens on cities; that unless checked it will destroy home ownership.

Mr. Willmore said federal housing had failed to clean out slums; he challenged housing authorities to make public their closely guarded records; that segregation of the worst kind was practiced; that an inadequate service charge in lieu of taxes did not approach municipal costs; that public housing had not cut down juvenile delinquency nor crime rates. Willmore demanded that all public housing be sold to private owners in order again to be placed on the tax rolls.

Ray McCarthy of the Chicago Plan Commission, chairman of Chicago Medical Center and chairman of the Chicago Real Estate Board housing committee, fortified Willmore in his charges, adding that most of the public projects had such a low occupancy rate long after completion that local real estate men were appealed to to secure tenants.

George F. Nixon, former president, Chicago Real Estate Board, and upbuilder of numerous subdivisions, maintained "the only thing cheap about public housing was its appearance."

Robert R. Taylor, chairman, Chicago Housing Authority, replying to the Willmore statement, charged "distortion of facts," and advised revision of the tax structure. Joel D. Hunter, general superintendent, United Charities of Chicago, upheld Taylor's views, adding that Chicago has about 240,000 substandard pieces of property and more than 9,000,000 families live in such homes throughout the nation.

The Bulletin believes the construction of public housing has been, generally, above the standard of this class of building carried out by private industry. With some exceptions, the general appearance, however, has been bad, so bad that neighboring private properties become depressed in value and no improvements are undertaken. And this reminds us of a remark attributed to General Phil Sheridan when shown a new federal building in Washington, D. C. Said the general: "The thing is too damned well built; it'll stand too long!"

President of the A. I. A., Raymond J. Ashton, announces in the current *Octagon* (December 1943) that with December, the *Octagon* makes its last appearance to be followed by a January 1944 number one issue of "Journal of The American Institute of Architects." The Journal revives the name of the Institute mouthpiece of the third decade of this century. Its editor is Henry H. Saylor, A. I. A. Mr. Saylor is a scholar in architecture and practitioner, a fine writer, and an editor of note. Older architects will remember him as editor of "Architecture," "American Architect" and other American architectural publications.

The I. S. A. Bulletin congratulates the A. I. A. on its acquisition of Mr. Saylor for the editorship and wishes a long, robust, and influential life to the Journal of the A. I. A.



## Chicago Chapter December Meeting

The second Tuesday in the month was abandoned for December to meet the schedule of C. Julian Oberwarth, national A. I. A. membership committee chairman, who was the special speaker and guest of the Chapter at the meeting held in the Henry VIII room of the Tavern Club on the evening of December 2. The audience was made up of Chicago Chapter and Illinois Society members and many young architects, now unaffiliated, who, it was hoped, would make application for membership in the A. I. A. through the Chicago Chapter. Other guests at the speaker's table besides Mr. Oberwarth were Gilbert A. Johnson of Rockford and J. Fletcher Lankton of Peoria.

One hundred twenty-five attended the dinner and meeting. President Shaw called the meeting to order at 7:45. Reading of minutes of the November meeting was dispensed with. Eugene Fuhrer, A. I. A. and Secretary Illinois Society of Architects, reported Judge Hemphill of the Sangamon County Superior Court finding the new Professional Engineers Law unconstitutional. Mr. Fuhrer prepared the Chapter and Society for a call on them for the lion's share of legal expense in carrying the case through the Supreme Court of Illinois. President Shaw announced endorsement to Governor Green of John Holabird, Hubert Burnham, and William J. Ryan as State Postwar Planning committeemen.

The president then called upon Pierre Blouke, Chicago Chapter membership committee chairman, to introduce Mr. Oberwarth, special speaker, which Mr. Blouke accomplished gracefully. Mr. Oberwarth was on a circle tour of chapters where he speaks in behalf of greatly increasing Institute membership above the present strength of about 3,000. He had come here from Des Moines, Iowa. He spoke of a growing democracy in the Institute where every decent practitioner will be welcome. He pointed to himself as a small obscure practitioner from Kentucky, and developed his autobiography from the close of World War I to the present day. He pointed to the American Medical Association as a model for the Institute to follow rather than the American Bar Association, which latter included but a small percentage of the country's lawyers. The speaker was now ready to answer questions apropos the Institute from young men who were possible candidates for membership.

The first questioners were not the unknown or known candidates. Harry Frost raised a question on the use on letterheads of the initials A. I. A. and F. A. I. A. Mr. Ryan spoke on national and chapter dues. One George Fred Keck, who practices architecture in the Chicago territory, teaches (?) architecture in Maholy Nagy's Chicago School of Design, discovered there was no pre-Keck architecture in the world and saw no excuse for an A. I. A. He had gone through a whole year of the A. I. A. publication *The Octagon* and had found but one article of any interest. Keck, of course, belongs to none of the known architects' organizations. John Cromelin answered Keck with an effective though unprintable story which brought a round of applause.

Here followed questions by possible candidates for membership with answers by Oberwarth, Shaw, Loeb, and others. In view of the fact that questioners held architect licenses in Illinois, presumably had attended schools of architecture or had at least served a few years in architects' offices, the naiveté of many questions was surprising to old timers. But then, so were some answers.

The Detroit Division of the Michigan Society of Architects has been abolished since 88 per cent of the members are members of the Detroit Chapter, A. I. A. This action complies with Michigan Society's by-laws, revised April 6, 1943.

Mass-production industry did a pretty good job of knocking the human mind off its pins. It provided a wealth of gadgets, raised the standard of living—and took away the sense of individual importance.

—Howard Vincent O'Brien

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tive power to the Department and because it is indefinite and incomplete."

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This decision confirmed the viewpoint of the joint architects committee that the act was legally too vague for the purpose of administration and would lead to great confusion. The committee, which had a painstaking and difficult task to perform, was finally given the satisfaction that its thoughts and efforts had validity.

At the present time a notice of appeal to the Supreme Court of the State was served December 27, 1943 by the defendant, Illinois Society of Engineers of Chicago, the Attorney General of the State, and the Illinois Engineering Council. The hearing will probably be held at the March term of the Supreme Court and wherein that court will probably rule on those sections of the Act which have been held unconstitutional.

Should the Supreme Court confirm Judge Hemphill's decision, it is quite certain that the Engineers will prepare another bill to be submitted to the next legislature January 1, 1945. It is hoped and suggested that a committee of architects and structural engineers may meet with the Professional Engineer group in a series of round table discussions in an endeavor to work out a new bill that will be fair to all, clear and concise, and possible of proper administration.

Dining together in a club, one of the group maintained that Leonardo da Vinci asserted that the way to make stairways sanitary was to build them on the spiral plan with platforms and landings eliminated. Sanitary science and plumbing in Leonardo's day, the speaker added, were still in the dark ages. Another of the group, an architect, said Leonardo's plan was no solution since recently the landlord of the apartment house where he (the architect) lived had served all tenants with notice that dwellers with dogs in their apartments would have their leases canceled since dogs use stairways, even in our day, for unsanitary purposes.

In view of the lively discussion of the recently declared unconstitutional Illinois Professional Engineering Act, it is interesting to note that both first prize winners in the Minneapolis-Honeywell Regulator Co. competition for a control steam heating and a control hot water heating system for a six story apartment building were architects. More than 2,000 architects and heating engineers competed. First prize winners: Clyde H. Baker, Detroit, on steam; Leonard Weger, Philadelphia, on hot water. Prizes—\$2,000 each. The judges were: Edward E. Ashley, New York, consulting engineer; John W. Root, Chicago, architect; John Haines, Minneapolis-Honeywell.

Lawrence Weaver, writing in November 1913 of the architecture of Edwin Landseer Lutyens, said: "The year 1913 sees him in some sort at the parting of the ways. After nearly twenty-five years of work almost entirely devoted to houses and gardens of many types and sizes, he has been appointed joint architect with Mr. Herbert Baker of the new Imperial City of Delhi. As he has an amazing capacity for work, we may believe, as well as hope, that he will continue to build fascinating houses and that this side of his work will show a continuous development."

A few months ago the Government purchased the biggest and best-known commercial garage in downtown Washington. The garage charged its customers \$15 a month for storage and parking. Under government management, the same facilities are costing the Government—i. e., you, as a taxpayer—\$32.75 a month.

—Nation's Business



## Joint January Meeting

### Chicago Chapter A.I.A., Illinois Society, Prod. Council Club

On January 25 the Chicago Chapter A. I. A., the Illinois Society Architects, and the Producers' Council Club of Chicago joined a meeting held at the Merchants & Manufacturers Club in the Merchandise Mart to meet the new chairman of the Chicago Plan Commission, Mr. A. H. Mellinger, and to listen to an illustrated lecture by their old friend and fellow architect, J. Howard Raftery, Chicago Plans. The meeting began shortly after six with cocktails, where old acquaintances were renewed, friendships strengthened, and sociability was pronounced. An excellent dinner followed, partaken of by 165 men. At eight o'clock, Alfred Shaw, President of the Chapter, began the program by asking leave to dispense with Chapter business. This was voted. President Ryan for the Illinois Society went through the same form with the same result. Mr. Collins, President of the Producers' Council Club of Chicago, was introduced.

Mr. Shaw remained chairman during the evening and first called upon Lieutenant Stenson, U. S. N. The Lieutenant spoke in behalf of more enlistments in the Navy since the Navy was being expanded beyond precedence in this country. The Navy is commissioning qualified men directly from civilian life. His appeal was for enlistments not alone of men but also of women. The jobs to be filled are many and varied, running from administrator through many classes of engineers, architects, clergymen, restaurant and hotel managers, and miscellaneous callings. Accepted applicants will be sent to special schools for a short course of intensive training. A complete interview and physical examination will be given at the nearest Office of Naval Officer Procurement. The downtown Chicago office is in the Board of Trade Building.

Jerrold Loeb read a letter from the Building Trades Council in convention at Springfield, Illinois, dwelling upon the importance of postwar planning and labor's interest and full cooperation in such plans in the interest of steady employment in the construction field. The letter will be properly acknowledged with appreciation. Mr. Shaw introduced Harold V. Maurer, architect of South Bend, Indiana, as a welcome guest. H. Evert Kincaid, Executive Director, Chicago Plan Commission, made a short address—speaking of the work of the Commission and its effort to cooperate with our local and federal bodies whose work touched or overlapped that of the Commission.

Mr. A. H. Mellinger, newly appointed by Mayor Kelly as Chairman of the Chicago Plan Commission, pleaded newness in the job, but he preferred to say little until he had familiarized himself with many details and organizations that were vitally interested in what the Plan Commission proposed. He had discovered, however, that many other organizations were working on plans similar to those occupying the attention of the Commission's technical staff, and he felt it important to coordinate the work of these other organizations with that of the Plan Commission, thus saving time and eliminating repetitious labor.

Mr. Raftery came next. He is now Chief of the Master Plan of Chicago. Occupying this job for but a few months, Raftery impressed his hearers with his familiarity with the subject. He spoke without notes. His talk was illustrated with many lantern slides of water colors, photographs, plans, and diagrams which kept the speaker on his feet for fifty minutes. The first illustration was the picture of Chicago's downtown lake front in the year 1865 with the Illinois Central tracks supported on piles driven into the lake bottom. Water appeared below and on both sides of the track. Raftery reminded his hearers that the Illinois Central did not locate along the lake by choice but by order of the Common Council, which was tired of voting appropriations for restoring the shore line after storms. The Council figured that the Illinois Central structure would save the citizens the expense of restoration. Photographs of downtown Chicago before the street grade was raised on two different occasions, old buildings, some still remaining including many frame structures in dilapidated neighborhoods, and a plan of London by Sir Christopher Wren after the London fire of 1666 came in rapid succession. He paid his compliments to the Burnham Plan of Chicago and regretted the term "city beautiful" in that people thought that the economic conditions were subordinated to the sense of beauty. This he thought was not true; the Burnham Plan was farsighted for

its time. It could not foresee the millions of automobiles that the city would house three or four decades later, nor the necessity of airports. It did project wide streets and boulevards such as Congress Street. It proposed a downtown harbor that may in a future day be carried out at the south end of the city.

Superhighways were dwelt upon and explained, giving preference to suppressed highways flanked on both sides at standard street grade by moderate width streets, all three roadways occupying approximately one standard block. The superhighway, as shown by an illustration, could be carried as an elevated structure on steel, a more economical plan but not so good. Regarding neighborhoods for dwellings, single and apartment, he thought redevelopment of large areas necessary in the interest of city management. Too many streets in our gridiron plan run through for many miles with all the utilities and protection that is demanded of a modern city government. In the interest of more permanent residential neighborhoods, larger unbroken areas are desirable.

The new London plans were shown on the screen with a remark by the speaker that the London problem was not dissimilar from that of Chicago. He spoke rapidly, the pictures flashed on and off, and many important city planning items were touched upon convincingly that this reporter regretfully is not able to include because of lack of space. But he takes occasion here to congratulate Mr. Raftery again on his splendid presentation of a subject that is all-important to the successful future of Chicago and of vital interest to architects and builders.

## Mexico's Vice-Regal Architecture

"Building activity started in 1521, immediately after the Conquest, and lasted until the beginning of the disturbances which terminated in the independence of Mexico in 1821. The province enjoyed a period of unexampled prosperity, free from war or civil dissension of any kind, for nearly three centuries, which may be designated as the Vice-Regal period, during which its wealth increased to an astonishing extent . . .

"The Cathedral of Mexico City is probably the largest church in America, (387 feet long and 177 feet wide), and, all in all, perhaps the finest. Its rather low and heavily buttressed facade and majestic towers seem to express the very essence of Latin American spirit. The church deserves to be better known; I question if a more satisfying Renaissance cathedral exists in the world. The original design, laid out by Castaneda, was supplemented after the corner stone had been laid, in 1573, by a new project, the work of Juan Gomez de Mora, who was sent from Spain by Philip III . . .

"The introduction of glazed faience was followed by its use for the decorations of domes, towers and walls, and its brilliant coloring, seen against the intense blue of the sky, added another note to the already dazzling scheme. The surprising fact is that throughout all this riot of elaborate decoration and color, the innate Spanish good sense always retained ample surfaces of plain masonry as a background and frame for the ornament, even in the most extravagant buildings, and the particolored domes invariably rose above a base of severely plain stone, so that the effect of the whole was never confused. In this respect alone, Mexican architecture is worthy of the most careful study. Even such structures as the "House of Tiles" in Mexico City, or the Casa del Alfenique at Puebla, which are among the most beautiful buildings in the world, show a balance of elaboration which could only have been conceived in an atmosphere of architectural sanity . . .

"But after all matters of detail have been taken into consideration, the distinguishing fact remains that the one dominant feature of Mexican Colonial architecture is the dome, which was universally utilized and of which literally thousands exist, all built of solid masonry. Placed over the crossing of nave and transept churches, or roofing the innumerable chapels and shrines, its use imparts a singular sweetness and beauty to the skyline of the cities, almost unique in the world . . .

"A Mexican town house of the older type is approached from the street by great iron-studded doors and a cavernous *zaguan*, reminiscent of Toledo or Segovia, which led to the *patio*. The lower portions of the house are devoted to service, storage, and habitation of a sort for the porter, and maybe several turkeys. Under the

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## More Light on Die Fuggerei

*The Editor:* Mr. Wittmann in New York sent me the Dec.-Jan. *Bulletin* with his very interesting article on the Fuggerei in Augsburg.

Mr. Wittmann, who himself built houses of similar charm as the Augsburg buildings possess, gives an excellent account of this housing project from the practising architect's point of view. It may be worth while to add some facts which can be learned from documents published in Joseph Weidenbacher's book *Die Fuggerei in Augsburg*, published in 1926, Augsburg.

Mr. Wittmann, who seemingly had no access to these sources, states that the Fuggerei "was not a pious legacy, as houses for the poor or the aged, built under religious auspices," but a "commercial housing project." The documents show contrary evidence.

In the first place, Jakob Fugger himself in the endowment statute of August 23, 1521 refers to the Fuggerei as the "poor people's houses" which shall be loaned to "women, poor day laborers and artisans," the women here mentioned according to other evidence referring to widows. In the second place, Jakob Fugger built the Fuggerei, according to his own statement, in his contract with the city of Augsburg on June 6, 1516 "in honor of God the Almighty, of his unmarried mother the Virgin Mary and of all the Heavenly choirs," "for furtherance of my soul's eternal joy." When Mr. Wittmann states that with the founding of the Fuggerei "the industrial captain took the responsibility for the welfare of his workers," he must assume—as many other authors did—that the Fuggerei was built for workmen of the Fuggers, whereas the documents prove that very rarely anyone connected with the house of Fugger was taken in as a tenant.

The tenants had to be chosen from "poor indigent burghers and inhabitants of Augsburg—artisans, daylaborers and others—who do not ask publicly for charity." It is worth mentioning that the apartments were loaned to such people on account of their "poverty and noticeable neediness" without any real rent, the one guildier they paid each year being their contribution to the "upkeep" of the buildings. The only return for which Jakob Fugger asked proves again the religious character of this endowment: "everyone young or old, as he is able, shall offer every day a paternoster, Ave Maria and Confession of faith" for the souls of the deceased members of the Fugger family, "as support and comfort."

The Fuggerei, without doubt the most important public enterprise in housing of this early age, is not the first such enterprise. A similar housing project in Ghent financed by the endowment of the Rym and Alyn families dates from 1363—it was rebuilt in 1513-19—and a housing project for weavers which the city of Nuremberg imported from Swabia was built in 1488 in this city. This Nuremberg project is probably the first housing project based on purely commercial interests; in beauty it is left far behind by the Augsburg Fuggerei.

—Justus Bier

Head, Department of Fine Arts  
University of Louisville

## Clearance Law Unconstitutional

Judge Julius H. Miner in Circuit Court on December 27 pronounced the Illinois Neighborhood Redevelopment Corporation Law unconstitutional. The offending clause in the law is the granting permission to acquire 39 per cent of the property involved under the power of eminent domain after 61 per cent has been obtained by normal procedure.

The act, passed by the 1941 legislature, permits a private corporation to proceed with any housing project approved by a municipal redevelopment commission.

Judge Miner objected to the right of eminent domain being given private corporations "since all public control for the perpetuation of the public uses is removed with the completion of the redevelopment area."

The Chicago Building Congress and other interests propose have Judge Miner's ruling laid before the Supreme Court of Illinois for review.

## To Rebuild Moribund City-Sections

Hugh Potter, of Houston, Texas, President of the Urban Land Institute, says: unless a sensible pattern can be established for necessary redevelopment of blighted areas within American cities, and other period of intense building activity "can complete the disorganization of our cities begun in recent building booms." Potter urged adoption of the urban redevelopment program worked out by the Urban Land Institute which has been incorporated in the neighborhood development bill (S1163) introduced in the United States Senate by Senator Robert F. Wagner of New York.

He says: "It would provide a fund of one billion dollars that could be lent to municipalities for the purpose of acquiring land in deteriorated areas. Ability to show that redevelopment of a particular area would conform to the city plan made by local authorities—not by a Federal Bureau—would constitute eligibility for a loan. Having received the loan under the action proposed in the Wagner Bill, the city would acquire the land, clear it, replan it, and sell or lease building sites to private builders in strict conformity to the city plan.

"In this way all levels of government would be brought into cooperation with private enterprise in doing a constructive work that is economically sound and civically necessary. The cities would employ their powers of initiation, of planning, and of regulating the character of development. The states would be cooperating by extending the necessary authority to the cities and by expanding eminent domain laws as necessary. The Federal Government would be supplying a source of credit. Thus the role of the three levels of government would be supplying a source of credit. Thus the role of the three levels of government would be confined to the reclamation of the land. No part of the funds proposed to be authorized by the Wagner Bill could be used for construction. That part of the task, the actual work of building, would be done by private enterprise.

"Private enterprise and private funds can rebuild these worn-out areas, but they cannot, unassisted, finance the acquisition of land for that purpose. Whatever financing is devised to assemble this blighted land in areas sufficiently large to permit the creation of a new environment must of necessity include a process of devaluation. The terms and interest rates of private credit cannot be expected to undertake that kind of financing. Nevertheless, it is of tremendous municipal and civic importance that it be undertaken and some use of public credit is the only alternative. Most of us, I am sure, would prefer to see some form of municipal or state credit used for this purpose, but unfortunately that is simply not within the realm of possibility. We must realize that out of every one dollar of taxes we pay, seventy-five cents of it goes to the Federal Government. Federal credit is the only source of public credit that can be called upon for such an undertaking."

Architects are always interested to learn what the buildings they design after the war will look like, feel like, and impress as architecture as well as function practically. Here is another man who tells us. He is Doctor James Shelby Thomas, one time economist on the faculty of the University of Chicago; a past president of Clarkson College of Technology; past president of the Chrysler Institute of Engineering, and now he is called simply technologist.

Doctor Thomas tells us that soon after the war there will be millions of new houses that cost only \$1,600 apiece and contain dozens of new developments. Among these developments he enumerates unbreakable glass plumbing; filters that transform noises outside into music inside; refrigerators that have everything including murals; and a living room that can be redecorated completely by pressing a button.

But that is not all. The far-seeing Doctor says that in 100 years, we will have the "perfect man." This man will be 6 feet 3 inches tall, will never grow gray or fat, and he will live to be 125 years old. Doctor Thomas said all these things and more in his address before the Chicago section of the American Chemical Society at the Medinah Club on December 16.



## Robert Moses Prognosticates

"Well, to sum it all up, it is my contention, supported by considerable first-hand experience, that it is a tough job to raise the standard of art much above the level of contemporary public taste, especially in an age in which public taste is changing so violently. Sculpture has become an incident in architecture, and architecture engineering. As we go more and more functional, ornamentation comes a lost art, and only the isolated monument, exposed to time, elements and the vandals, remains.

"Steel and other structural metals have dwarfed outdoor sculpture except in gardens, and mass effects and intrinsic beauty of line now occupy the engineer as much as stresses and strains. The architects and sculptors will have to adapt themselves to this age or be given indoors with the painter; and all the restrictions which have their purpose rigid professional lines and guild vacuums merely postpone the day of reckoning."

—Robert Moses, Commissioner of Parks, New York

## Moses on the Pacific Coast

"Portland, Oregon has some program, gentlemen, and we have feeling that we'd better begin kicking things around up here. The architects are taking a lot of the initiative in planning down here and they are pretty certain to be very evident when the picture begin to unfold. Moses has given out a program that has nothing like \$75,000,000 in projected work of the Public Works Society, the above sum not including many items which should be worked in at the same time. We might make some sort of a crack out Moses leading the Architectural-Engineering Israelites out the wilderness but we won't as it might strike too close to home our own Philistine camp. By an odd coincidence we hear that the program will take something like forty years which may or may not be prophetic."

—From Tacoma letter in Bulletin of Washington State Chapter, A. I. A.

## Home Planning Clubs

As a direct contribution to the war effort, banks, savings and loan associations and trade organizations are sponsoring the formation of home planning clubs. The object of these clubs is to assure a backlog of soundly-financed, well-conceived housing projects which can be undertaken by private enterprise as soon as restrictions on construction have been lifted after the war.

In Portland, Ore., the West Coast Lumbermen's Association has formed the Portland Home Planner's Institute to serve as a "pilot plant" for similar organizations throughout the West. More than 10 families have already enrolled in the Portland Institute.

The Peoples Bank Home Ownership Savings Club in Cumberland, Md., has 150 members who regularly attend its meetings.

Clubs also are operating or being organized by the Marshall & Sley Bank, Milwaukee; the First National Bank, McKeesport, Pa.; the New Haven Savings Bank, New Haven, Conn.; the First Security Trust Company, Salt Lake City; the Mechanics Savings Bank, Rochester, N. Y.; the Western Savings Bank of Buffalo, N. Y.; the Bank of Hampton Roads, Newport News, Va.; the Niagara County National Bank & Trust Company, Lockport, N. Y.; the United National Bank of Long Island, Forest Hills, N. Y.; the First National Bank of Ceredo, W. Va.; and the First Federal Savings & Loan Association, Newcastle, Pa.

Parallel work also is being done by Rotary International, which is making community surveys throughout the country to help estimate the amount of work which will be ready to be undertaken immediately after the war.

—Performance

During the past three years more than a million residents of other states have moved into the area embracing California, Nevada, Arizona, and Utah, according to a tabulation by the National Resources Planning Board.

## In Sicily

Monreale, really a part of Palermo, has the supreme glory of the famous Cathedral; but in spite of its majestic size and the splendor of its mosaics, it is far less wholly satisfactory than the Palatine chapel: its proportions are not good, its composition is defective, its lighting is too ample and garish: moreover, a fire in 1811 destroyed the roof, and the restorations—in point of color—are pretty bad. In spite of all this, however, it is a wonderful church; and its arcade of stilted, almost Saracenic arches sheathed with Byzantine mosaics and resting on noble Roman columns of precious marble, the capitals recut by Greek, Norman and Arabian workmen, is one of the most beautiful architectural works in existence. The combination of features apparently antagonistic, is triumphant; and is a valuable lesson in the development of architectural ideas.

The cloisters leave nothing to be desired from a dramatic and picturesque standpoint, though architecturally the extremely delicate and beautiful columns with their infinitely varied capitals are exceeding scornful of the arches that rest upon them. About fifty years ago every one of the shafts of the slender columns was ornamented with the most elaborate mosaic work; but owing to the exigencies of revolution, the monastery and cloister were turned into a *caserne*, and the soldiers amused themselves by carefully picking out almost every vestige of the mosaic work.

(Continued from Page 5, Column 2)

arcades, which once sheltered the family coach, Felipe or Vicente will perhaps be found washing the car. A stone stairway swings nonchalantly up to the balcony which is gay with flowers, vines, red peppers, and colored rugs. Brilliantly colored birds in wooden cages hanging from the roof add to the life of the scene. From the balconies, open lofty, possibly rather bare chambers, running through to the street. If the house is in the plateau country another stair leads to the brick paved *azotea* or roof. In the country the house is likely to be even more picturesque and the flowers more profuse."

—From Walter H. Kilham's "Mexican Architecture of the Vice-Regal Period" (Longmans, Green & Co.)

## About Alfred C. Bossom, Architect

"When Alfred Charles Bossom lived in this country he was hard to overlook.

"His collars were zebra-striped, his press agent beat a big rub-a-dub-a-dub-dub. The Sunday supplements spread themselves when he said coal ought to be shipped by wire; although really he was only suggesting that electricity be made at the mine.

"Back in England now—he (he was a British subject for all his 25 years here)—he still sparks and the press is still easy. Now he wants no permanent new home. He tells England's Town and Country Planning Association that postwar housing will be outdated decades before its bricks crumble. Quickie bungalows seem to be his idea.

"Bossom came here 40 years ago. He was only 22 but shortly he flabbergasted patriots by getting a contract to restore Fort Ticonderoga. Later he became supervising architect to a raft of companies.

"When he went home he went into politics, made the House of Commons; and then made the newspapers with a scheme to bring the sea to landlocked Central Europe. A highway ten miles wide would do it, he said.

"He has the knobby face cartoonists love and is wrapped up in his profession. Once he insisted that his main recreation was the investigation of economic projects. His daily grind was about that. But such single devotion has been nicely rewarded. In addition to fees, he has decorations from seven nations. Only Finland among the Baltic states failed to give. But that goes to show he can be overlooked."

—Delos W. Lovelace in Detroit News

Mayor Kelly has appointed and the Common Council has confirmed Aubrey Hugo Mellinger member and chairman of the Chicago Plan Commission to succeed George T. Horton, resigned. Mr. Mellinger is president of Illinois Bell Telephone Co. and an engineer by education.



## On Writing Specifications

Most of today's engineering and architectural specifications are an engineer's dream, a contractor's nightmare and a material man's dilemma.

Specifications are not instructions. When a specification includes detailed descriptions of the construction or manufacturing processes, and proceeds to tell how each operation must be performed and what tools must be used to perform it, it ceases to be a specification and becomes an instruction. Use of instructions for specifications takes away the contractor's opportunity to use his own skill and ingenuity in developing new methods of construction or reducing costs. It also invalidates that portion of the contract which is supposed to place the sole responsibility for the satisfactory performance and completion of the work on the contractor. The practice of telling the contractor just how he must perform each operation, and then insisting that he be responsible for the character and quality of the work, has put many an engineer and architect in an embarrassing situation, especially before a court of law.

The standard specifications of state highway departments, approved by the Public Roads Administration, and the specifications of other government agencies, contain even greater violations of the rules of simplicity, and include even more detailed instructions.

Both engineers and architects can improve conditions in the construction field by giving some thought to the establishment of proper tolerances for the various structure units and the materials that are used.

By removing instructions from the specifications and setting them up, where necessary, as separate from the contract, we can give contractors a chance to develop their own engineering skill, reduce the cost of construction and improve contractual relations materially.

By applying the rules of good writing to specifications, we can improve the understanding of construction problems, eliminate arguments and save many hours in the course of preparation of plans and specifications.

—From "How Can We Improve Specifications?" by  
D. V. Purington, Civil Engineer, Austin, Texas,  
in the *Engineering News-Record*.

E. Roy Wells, of Geneva, Illinois, has been appointed Chief Engineer for the newly created Illinois Postwar Planning Commission. This commission was organized by authority of the last General Assembly to act as a clearing house for all Illinois postwar plans for public works and private enterprise.

Harry Talfourd Frost was one of my most trusted friends. He joined me and Wm. E. Parsons well before the First World War: first as an associate and then, later, as a partner of the firm of Bennett, Parsons & Frost.

Jack Frost, as he was known to most of his friends and associates, was born in Hanley, England, February 3, 1886. He came to the United States when twelve years of age and five years later became a naturalized citizen.

He was educated in the public schools of East Liverpool, Ohio, took a three-year course in civil engineering at Ohio State University, and, in 1910, was graduated from The George Washington University, District of Columbia, with a degree of B.S. in architecture.

As a draftsman, designer, and, finally, an architect, his experience was wide and varied: his first position being that of a draftsman in the Immigration Office of New York, then advancing to the office of the Supervising Architect, Treasury Department, Washington. In 1912, he became an associate of mine and in 1923 was taken into the firm of Bennett, Parsons & Frost.

Harry T. Frost was in constant collaboration with me, when I was Consultant for the Chicago Plan Commission under the Chairmanship of Chas. Wacker and, later, under other officials on

Chicago improvements. He was head of the staff that prepared the zoning plans and ordinance for Chicago. He collaborated actively on numerous city plans for cities throughout the Country, such as Palm Beach, St. Paul, Rock Island, Brooklyn, Buffalo, etc., and on various cantonments for the United States Government during the last War, including Camp Grant, Rockford, Illinois, and Camp Las Casas, Puerto Rico.

He was active with the firm since the last War on various other projects, including departmental and other buildings and grounds in Washington, D.C.

Most recently, and just before the beginning of the present War, he undertook independent work in the Philippine Islands under President Quezon, this being Quezon City and the proposed Exposition Grounds, all the highest quality of work.

Jack Frost was high-minded, non-self-seeking, and devoted to the purely creative work of city planning and the interests of men of good will. He was an authority on city planning, zoning, and housing.

Frost's career was cut short by an unexpected heart attack while at home in Chicago on December 28.

Although not given the deserved recognition by officialdom of Chicago, he is a great loss to the City and to his profession.

—Edward H. Bennett, F.A.I.A.

Sir Edwin Landseer Lutyens, renowned British architect, well known in the United States and recipient of The American Institute of Architects gold medal in 1924, died at his home in London, England, January 1, age 74. Sir Edwin was born in London. Educated by private tutors and by South Kensington followed by a year in the office of Ernest George and Peto, Architects, he began to practice independently in 1888. For two decades his outstanding work was in large country homes and gardens. He was architect of Government House, Imperial Delhi, India; British School of Art, Rome; Picture Gallery and South African War Museum, Johannesburg, New British Embassy, Washington, D. C. and many other prominent structures. Oxford honored him in 1938 with a D. C. L. degree; Liverpool in 1928 with LL.D. He had served as president of the Royal Academy since 1938.

Robert Rae, retired Chicago architect, died in his home in Wilmette, December 19, age 89. Born in Philadelphia, Pa., studied at Princeton University, Mr. Rae came to Chicago in young manhood and obtained employment with Wheelock & Clay, architects. He then established his own office and continued practice into 1934, when he retired. His work was principally residential though in the Columbian Exposition of 1893, Mr. Rae is represented among architects of state buildings. He was a member of the Illinois Society of Architects for many years.

Edwin Fraser Gillette, architect and estate manager, died in his Pasadena, Cal. home December 10, age 80. Mr. Gillette was born in Chicago in October 1863, attended private school in Geneva, Switzerland; Allen's Academy, Chicago; Rensselaer Polytechnic Inst., Troy, N. Y.; School of Architecture of Armour Institute, Chicago. From 1885 to 1892, he devoted himself to management of the estate of his father, E. L. Gillette. From 1906 to 1917 he concentrated on the practice of architecture. In 1917 he retired from practice, moving to California with Pasadena his home.

Lewis Cutler Clarke, superintendent of construction of buildings for Illinois State institutions for the last ten years, died in Evanston, Ill., November 18, 1943, age 62. Mr. Clarke was born in Cambridge, Mass., graduating from M. I. T. in 1904 with a B. S. degree and receiving his M. S. degree the year following. In Chicago he was with Holabird and Roche, architects, on the design of Hotels La Salle and Sherman, Chicago. Then followed two years of European travel and study at L'Ecole des Beaux Arts, Paris. Arrived again in Chicago, he was associated with architects Marshall & Fox in designing the lobby and ballroom of the Drake Hotel; with Schmidt, Garden & Martin, and later with McNally & Quinn. For ten years Mr. Clarke was a member of North East Park Board of Evanston and its president when he died.